

**BOISE, IDAHO, WEDNESDAY, FEBRUARY 8, 2023, AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**BURNS CONCRETE, INC., an Idaho )  
corporation; and BURNS HOLDINGS, LLC, )  
an Idaho limited liability company, )**

**Plaintiffs-Counterdefendants- )  
Appellants-Cross Respondents, )**

**v. )**

**TETON COUNTY, a political subdivision of )  
the State of Idaho, )**

**Defendant-Counterclaimant- )  
Respondent-Cross Appellant. )**

**Docket No. 49463**

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Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Teton County. Dane H. Watkins, Jr., District Judge.

Parsons Behle & Latimer, Boise, for Appellants.

Hall Angell & Associates, LLP, Idaho Falls, for Respondent.

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This case arises from a contract dispute between Burns Concrete Inc. and Burns Holdings, LLC (collectively “Burns”) and Teton County. This is the third appeal to the Idaho Supreme Court arising out of the litigation. Burns initially sued Teton County in May of 2013 for breaching the terms of a development agreement. In the extensive litigation that followed, Burns prevailed on the merits of its claims against Teton County and judgment was entered in Burns’ favor. The development agreement contains an attorney fee provision that allows the prevailing party to recover its reasonable attorney fees incurred in a lawsuit brought to enforce the agreement. Pursuant to this attorney fee provision, the district court has awarded Burns nearly \$900,000 in attorney fees. This appeal concerns whether the district court abused its discretion in awarding the fees, with Burns arguing the district court should have awarded additional fees and Teton County arguing the district court awarded too much.